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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,448	04/22/2004	Timothy L. Robinson	U017 (BPAY.0040000)	6320

34611 7590 03/23/2005

LAW OFFICE OF DUANE S. KOBAYASHI  
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RESTON, VA 20194

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,448

Applicant(s)

ROBINSON ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 29-54 and 63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25, 29-54 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office action is in response to Applicant's amendment, filed on 12/07/2004.
2. Claims 1-25, 29-54 and 63 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-25, 29-54 and 63 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Zank et al (U.S. Pat. No. 6,307,955) and Adams et al (U.S. Pat. No. 6,363,485) in view of Walker et al (U.S. Pat. No. 6,567,787).

As per claims 1, 3, 4, 6, 8-11, 14-25, 29-43, 45-51, 53 and 63 Zank substantially discloses an electronic signature management system that includes a graphic tablet digitizer for signaling position coordinates of stylus being moved to produce a handwritten signature, comprising:

Receiving, at a transaction station, a biometric data from a user (see., abstract, col 9, lines 56-67, col 10, lines 1-4, specifically wherein said to encapsulate both the original document and the linked biometric signature file into a digitally transmitted message encrypted to a digital signature);

Receiving, at the transaction station, transaction information (abstract, col 9, lines 56-67, col 10, lines 1-4, specifically wherein said to encapsulate both the original document and the linked biometric signature file into a digitally transmitted message encrypted to a digital signature, figs 1-4);

Locating, at a database, a user record associated with said biometric data; and storing said transaction information as an electronic transaction receipt in association with said user record, wherein said stored electronic transaction receipt is retrievable in a subsequent transaction upon presentation of biometric data from said user (see., abstract, col 9, lines 56-67, col 10, lines 1-4, specifically wherein said the signature and document receipts can be e-mailed or otherwise provided to the signer of a document via encapsulation in a digital signature, memory 20 or database).

Zank fails to explicitly disclose a first, a second, and a third biometric data. However, Adams discloses a multi-factor biometric authenticating with a plurality of sample biometric inputs (plurality of biometric inputs or first, second, and third biometric data) see., abstract, col 2, lines 31-48). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Zank by including the limitation detailed above as taught by Adams because this would prevent illegal attack or access.

Zank and Adams fail to explicitly disclose a paper refund transaction. Walker discloses a point-of-sale terminal that initiates a transaction and provides a prompt to be spoken to an operator of the POS terminal. The POS terminal provides refund money to

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customers and to apply promotional discounts to transactions (see., abstract, col 6, lines 1-10.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Zank and Adams by including the limitation detailed above as taught by Walker since this process of providing refund to a customer is a common business practice.

As per claims 2, 7, 12, 13, 44, 52 and 54 Zank discloses the claimed method wherein said transaction information includes product code information (see., abstract, col 5, lines 40-55, col 7, lines 34-50).

As per claim 5, Zank discloses the claimed method wherein said transaction information includes one or more of a transaction date, a transaction time , the location of a point of sale, payment information for the transaction, and the price of one or more items purchased in the transaction (see., col 5, lines 43-55, transaction time intervals).

## RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 12/07/2004 have been fully considered but they are moot in view of new ground (s) of rejection. Necessitated by amendment.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Pierre Eddy Elisca**

**Primary Patent Examiner**

**March 17, 2005**